

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED CLERK  
U.S. DISTRICT COURT  
05 AUG 22 PM 2:10  
TEXAS-EASTERN

DARRELL D. BOWEN

§

§

V.

§

§

SECRETARY OF THE DEPARTMENT  
OF HOMELAND SECURITY

§

§

BY  
CASE NO. 4:05cv68  
(Judge Schell/Judge Bush)

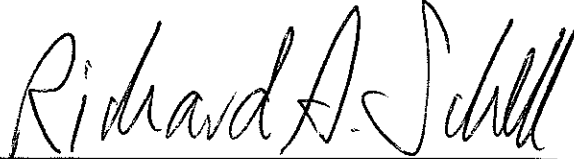
**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On August 3, 2005, the Magistrate Judge entered his Report containing his proposed findings of fact and recommendations that the above titled and numbered cause of action be dismissed for Plaintiff's failure to properly execute service in a timely manner.

After considering the report of the United States Magistrate Judge and making a *de novo* review of the objections raised by Plaintiff thereto, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Plaintiff are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

**ORDERED** that the above titled and numbered cause of action is **DISMISSED** for Plaintiff's failure to properly execute service within 120 days, as provided by Federal Rule of Civil Procedure 4(m).

SIGNED this 19<sup>th</sup> day of August, 2005.

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE